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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 CECIL DUDGEON,

12 Plaintiff,

13 v.

14 DR. HENRY RICHARDS *et al.*,

15 Defendants.  
16  
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CASE NO. C09-5200RBL/JRC

ORDER

18 The Court, having reviewed the file, the Report and Recommendation of the Hon. J.  
19 Richard Creatura, United States Magistrate Judge, objections to the Report and  
20 Recommendation, if any, and the remaining record, does hereby find and Order:

- 21 (1) The Court adopts the Report and Recommendation;  
22 (2) The plaintiff's motion for default is DENIED. Defendants were not served  
23 pursuant to Fed. R. Civ. P. 4(c). They were therefore not in default.  
24 (3) Defendants request to set aside the waivers of service is DENIED.  
25 (4) This matter is referred back to Magistrate Judge Creatura for further proceedings.  
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1 (5) The Clerk's Office is directed to send plaintiff a copy of this order.

2 DATED this 24<sup>th</sup> day of July, 2009.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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